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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,171	02/09/2004	Keiji Yamamoto	248507US3X	6773
22850	7590	08/03/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LUM VANNUCCI, LEE SIN YEE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/773,171	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	Lee Lum	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,13 and 14 is/are rejected.
- 7) ☒ Claim(s) remaining is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An Amendment was filed 6/8/06.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- A. Claims 1, 3, 4 and 13** are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshitaka et al, Japan 2001-090112.

Yoshitaka discloses working machine 1 comprising

Fuel tank 10 mounted removably in a tank-mounting portion (unidentified in fig 7) within a body 3 of the machine, the tank being removable in a substantially horizontal direction; i.e., slidable, and

including projecting portion 10A,

Engaging portions formed on both machine body – 62,67, and tank - 59, so to engage with each other when the tank is inserted into the mounting portion, *as broadly and reasonably interpreted*, and to prevent vertical movement of the tank,

Dislodgement preventing means 70F to prevent the tank from moving in the removable direction,

Lower body 3 with upper rotating body 2,

The latter including an upper frame (unidentified, inherent) including main frame 36, with bottom plate 22, the plate including longitudinal wall 45, and,
Battery 17.

B. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Fought et al 5002325.

Fought discloses a working machine/trailer 10 comprising
Main frame 20 with bottom plate 18, and longitudinal walls 24 formed on the plate (fig 1),
Fuel tank 40 mounted on the plate so as to contact the wall (fig 2),

The tank including hollow projecting portion 62 (fig 3) formed in an upper end portion of the tank, such that the portion projects beyond the wall as seen in a plan view of the machine (fig 2).

4. ALLOWABLE SUBJECT MATTER

a. **Claims 2 and 5-12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the machine described above further comprising, *inter alia*, the engaging portions engaging automatically when the tank is inserted into the mounting portion.

b. **Claims 15-18 are allowable.** Prior art does not disclose the invention described above further comprising, *inter alia*, a fuel tank with a projection that extends over a wall, and sideways as seen in a plan view.

5. RESPONSE TO REMARKS

Examiner provides new rejections as provided above, and apologizes for the inconvenience. Applicant is asked to note allowable subject matter.

6. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum-Vannucci at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300.

Info re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system as follows: for unpublished applications – private PAIR only, for published applications – private or public PAIR.

Ms. Lee Lum-Vannucci
Examiner
8/1/06

